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**JUDGE UPHOLDS COASTAL COMMISSION ORDER TO REMOVE PRIVATE ENCROACHMENTS  
FROM PUBLIC ACCESS EASEMENTS**

**Los Angeles, CA, July 12, 2011** – A Superior Court judge has upheld an action by the California Coastal Commission seeking to provide public access to Carbon Beach in Malibu. Judge James C. Chalfant upheld a Commission-issued cease and desist order, which directed Lisette Ackerberg and the Lisette Ackerberg Trust to allow opening up of the public accessway from Pacific Coast Highway to the beach, and to remove a number of unpermitted items blocking the accessway, including large rocks, a wall, concrete slab and generator, fence, railing, planter, and landscaping, all of which had been placed directly in the public access easements on the property. In rejecting the lawsuit by Ackerberg, which sought to overturn the Commission's 2009 order, Judge Chalfant found "There is no merit to any of Ackerberg's contentions."

In the early 1980's the Commission issued two permits for development on two beach-front lots in the Carbon Beach area of Malibu. The permits authorized construction of a large house, pool, and tennis court, and a 140-foot long seawall. As a requirement of the permits, the property owner recorded two public access easements across the property: one vertical accessway from Pacific Coast Highway to the beach and one lateral accessway across the property from the mean high tide line to the seawall. Over the last several years Ackerberg placed and maintained the unpermitted development within both public access areas making it impossible for the opening and use of the easement areas. On numerous occasions the Commission attempted to work with Ackerberg to come to a mutual resolution of the Coastal Act violations, but these efforts were rebuffed by Ackerberg.

"For more than twenty-six years, this property owner has enjoyed the benefits of the coastal permit while the public has been denied it's lawful rights of beach access," said Peter Douglas, the Coastal Commission's Executive Director. "Public access is guaranteed by the California Constitution, the Coastal Act and in the property owner's coastal permits. This ruling vigorously confirms those rights and is a tremendous win for current and future generations."

Judge Chalfant also dismissed Ackerberg's attempt to extinguish the public access easement from her property by entering into a private settlement with another party. The ruling concludes, "[Ackerberg] has avoided her obligations with respect to the easement for 26 years. As the Commission stated, 'The time has come to open this new access way for public use.'"

The public access easement on the Ackerberg property is located approximately 1/3 mile downcoast of the *Zonker Harris* public accessway and approximately 1/2 mile upcoast of the *David Geffen* public accessway. Douglas stated, "We are hopeful that this decision sends a strong message that these violations must be removed to allow for the construction and opening of this accessway and that the Coastal Act protects the right of the public to access the beach."

[To read the complete court decision, click here.](#)

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